

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 22 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE A.L.DAVE

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

CHANDU @ SANJAY LAKHMANBHAI PATEL

Versus

STATE OF GUJARAT

Appearance:

MS DR KACHHAVAH for Petitioner

MR KT DAVE, AGP for Respondent No. 1, 2, 3, 4

CORAM : MR.JUSTICE A.L.DAVE

Date of decision: 27/03/2000

ORAL JUDGEMENT

#. The petitioner came to be detained by an order passed by the Commissioner of Police, Rajkot City, Rajkot on August 3, 1999, in exercise of powers under the Gujarat Prevention of Anti-Social Activities Act, 1985 ("PASA Act" for short).

#. The detaining authority considered 8 offences registered the petitioner-detenu and recorded satisfaction about the petitioner being a dangerous person. After considering the less drastic remedy, the order of detention was passed under the PASA Act.

#. The detenu sent an application to this Court through the jail authority. The same has been treated as Special Civil Application and legal aid provided to him. Ms. Kachhvah is appointed to render legal aid to the detenu. Her contention is that some of the documents supplied to the detenu, particularly pages 140, 145 and 199 of the compilation are not legible, which has affected the right of the detenu of making an effective representation. The order of detention may, therefore, be quashed, allowing the petition.

#. Mr. K.T. Dave, learned AGP has opposed this petition. He has gone through the compilation and agrees that the arguments advanced by Ms. Kachhvah. On inspection by this Court, it is found that the documents are illegible. Non-supply of legible documents can be said to have resulted into an infringement of right of making an effective representation which would vitiate the detention. The petition therefore deserves to be allowed on this ground.

#. In view of the above discussion, the petition is allowed. Impugned order of detention dated August 3, 1999 is hereby quashed and set aside. The detenu - Chandu Sanjay Lakhmanbhai Patel, is ordered to be set at liberty forthwith, if not required in any other matter. Rule is made absolute with no order as to costs.

[A.L. DAVE, J.]

pirzada/-